IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.660 OF 2006
IN
SUIT NO.2407 OF 2005

Lok Housing & Constructions Ltd., ..Plaintiff

Versus

Dilkush Dyeing & Printing Works ..Defendant

And

ACME Housing India Pvt.Ltd., ..Respondents

Mr.J.B.Chinai with Mr.Sanjay Jain i/by Pravin Mehta Mithi & Co. for the plaintiff.

Mr.Arif Bookwala with Ms.Tanvi Gandhi i/by Vishal Datta for defendant no.1.

Mr.Navnit Shah with J.B.Patel for defendant nos.2 & 3.

Miss. Iyer with R.C.Shah i/by Markad Gandhi & Co. for Respondents.

Coram : R.S.Mohite,J

Date : 21.08.2006.

PC

1. This is a Chamber summons taken out by the original plaintiff to the suit for certain amendments which are enumerated in the schedule annexed to the Chamber summons. Amendments have been necessary because pending the suit, conveyance has been executed by original defendant nos.2 & 3 in favour of the Company which is now sought to be impleaded as defendant no.6. The said registered conveyance has been executed on 20.10.2005, after

the filing of the suit. In the affidavit dated 19.6.2006 filed by the proposed additional defendant no.6 and affirmed by one of its director Munish Doshi, there are 2 statements made in paragraph nos.11 & 12. In paragraph-11, it is stated that the proposed defendant no.6 is a bonafide purchaser for value without notice of the alleged claim of the plaintiffs. On perusing the conveyance, it can be seen that there is specific mention of pendency of the present suit. There is also a statement of further alienation as contained in paragraph-12. I do not make any comment on further alienation and parties may file such proceedings in that regard as advised. In the aforesaid facts, I feel that the defendant no.6 is a necessary party and hence, Chamber summons is made absolute in terms of prayer clause-(a) and stands disposed off accordingly. Parties will be at liberty to file additional written statement, if not yet filed, pertaining to the amendments which have been allowed.

(R.S.Mohite,J)